

Application No. 10/725,724
Response dated: September 11, 2006
Reply to Office Action of May 11, 2006

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RD-28,230-3

SEP 11 2006

REMARKS/ARGUMENTS

In the Office Action dated May 11, 2006, the Examiner rejected claims 1-9 and 12-22, and objected to claims 10 and 11. Claims 1-22 remain pending in the application. Reconsideration and allowance of all pending claims are requested.

TERMINAL DISCLAIMER

In the Office Action dated May 11, 2006 claims 1, 2, 6, 9, 10, 12, 14-16, and 18-20 were rejected under the doctrine of non-statutory obviousness-type double patenting over claims 1, 2, 6, 9, 10, 12-14, and 18 of U.S. Patent No. 6703780. In the Office Action dated May 11, 2006 the Examiner apparently interchanged the last two digits of U.S. Patent No. 6703780, inadvertently rendering it U.S. Patent No. 67037[08]. The instant application is a Continuation of U.S. Patent Application Serial No. 09/760,150, now U.S. Patent No. 6703780 filed January 16, 2001.

In response to the Office Action dated May 11, 2006 the Applicants request that a Terminal Disclaimer be entered in the above-referenced Continuation application with respect to issued U.S. Patent No. 6703780. General Electric Company is the assignee of the entire interest in US Patent No. 6703780 and hereby disclaims the terminal part of any patent granted on the above-identified patent application, Serial No. 10/725,724, which would extend beyond the expiration date of US Patent No. 6703780 if all maintenance fees therefor were timely paid. General Electric Company hereby agrees that any patent so granted on the above-identified patent application and any continuation thereof shall be enforceable only for and during such period that said patent and the prior patent (US Patents No. 6703780) are commonly owned.

The statutory fee for this disclaimer and any additional fees required are requested to be charged to General Electric's Deposit Account No. 07-0868.

The undersigned, an attorney empowered to act on behalf of General Electric Company, declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title

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18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

In view of this Terminal Disclaimer, the Applicants believe that claims 1-22 of the instant application should be allowable and a prompt Notice of Allowance is courteously solicited.

Claim Rejections under 35 USC 102

Claims 1, 2, 9, 12, 13, 20 and 22 under 35 U.S.C. 102(e) as being anticipated by Hung et al., U.S. Patent 6069442 (the "'442 reference"). The Applicants respectfully traverse this rejection.

The '442 reference cannot anticipate the claims of the instant invention because it does not disclose each and every element of the claimed invention. In particular, the '442 reference does not disclose an organic electroluminescent light emitting device comprising a ceramic output coupler. The '442 reference, like U.S. Patent 6208077 cited by the Examiner in a previous Office Action, discloses an organic electroluminescent device which may comprise an opaque ceramic substrate layer. The '442 reference discloses the word "ceramic" only once, and the word "ceramic" is used in reference to an opaque substrate, not a ceramic output coupler. A ceramic output coupler must be light transmissive in order to perform its function. The portion of the '442 reference cited by the Examiner, column 3, lines 11-15, is reproduced below and clearly indicates that where the electroluminescent device comprises a ceramic substrate layer, that ceramic substrate layer is opaque.

For applications where the EL emission is viewed through the top electrode, the transmissive characteristic of the support is immaterial, and therefore any appropriate substrate such as opaque semiconductor and ceramic wafers can be used. Of course, it is necessary to provide in these device configurations a light transparent top electrode.

Because a ceramic output coupler must by definition be light transmissive rather than opaque, the '442 reference cannot be fairly read to disclose all of the elements of the instant invention. Each of claims 1 and 20, the only two independent claims of the

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instant invention, recites a ceramic output coupler which is by definition light transmissive. Because the '442 reference discloses only an opaque ceramic substrate layer, neither claim 1 nor claim 20 is anticipated by the '442 reference.

In light of the foregoing, the Applicants request that the rejection under 35 U.S.C. 102(e) of independent claims 1 and 20, and those claims dependent from them (claims 2, 9, 12 and 22), be withdrawn.

Claim Rejections under 35 USC 103

The Examiner rejected claims 3-5 and 14-19 under 35 U.S.C. 103(a) as being unpatentable over the '442 reference (Hung). The rejection of claims 3-5 and 14-19 is respectfully traversed. Each of claims 3-5 and 14-19 is dependent on claim 1. The Applicants believe that claim 1 recites patentable subject matter over the prior art. Because claims 3-5 and 14-19 are dependent from an allowable base claim the Applicants respectfully request that the rejection of claims 3-5 and 14-19 be withdrawn.

Claims 1-8 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. U.S. Patent No. 5831699 ("Wright et al."). The rejection of claims 1-8 and 20 is respectfully traversed. The Examiner acknowledges that Wright et al. "fail to specifically disclose that the output coupler is a ceramic with a plurality of voids" as required by the instant invention. Wright et al. disclose a light emitting electro-optical device which may comprise a lens 56 which may be

...fabricated from glass, plastic, or any other material or method known to those skilled in the art. (Wright et al. column 11, lines 19-21)

The Examiner urges that the lens 56 disclosed in Wright et al. may be regarded as a light output coupler, and further that glass may be regarded as a ceramic. The Applicants' note that ceramics are by definition polycrystalline materials whereas glasses are amorphous by definition. Those skilled in the art will appreciate that glasses, because they are amorphous, exclude ceramics which are polycrystalline. Although Wright et al. might be read to suggest a light emitting device comprising an output coupler made of glass, plastic, or other material suitable for the preparation of an optical lens, Wright et al. neither disclose nor suggest a ceramic output coupler comprising a plurality of voids.

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Thus, one having ordinary skill in the art at the time the invention was made would not have been motivated to modify the teachings of Wright et al. to arrive at the instant invention. In view of the foregoing, the Applicants request that the rejection under 35 U.S.C. 103(a) of independent claims 1 and 20 and dependent claims 2-8, be withdrawn.

Dependent claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al. in view of the '442 reference (Hung et al.). The rejection of claim 21 is respectfully traversed. The Applicants believe that independent claim 20 recites subject matter patentable over the prior art. Claim 21 is dependent from claim 20 which recites patentable subject matter. Claim 21 thus recites patentable subject matter by definition. The Applicants thus request that the rejection under 35 U.S.C. 103(a) of claim 21 be withdrawn.

In view of the foregoing arguments the Applicants respectfully request reconsideration and prompt allowance of claims 1-22. If the Examiner believes that a telephonic interview will help speed this application towards issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,


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